

5057. Misbranding of cognac. U. S. * * * v. Herman L. Rosenthal and Edward S. Rosenthal (S. Rosenthal & Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 7152. I. S. No. 7377-h.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman L. Rosenthal and Edward S. Rosenthal, copartners, trading as S. Rosenthal & Co., New York, N. Y., alleging shipment by said defendants, on February 17, 1914, in violation of the Food and Drugs Act, from the State of New York into the State of Michigan, of a quantity of cognac which was misbranded. The article was labeled in part: "* * * Cognac * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a brandy.

It was charged in substance in the information that the article was misbranded for the reason that the statement, to wit, "Cognac," borne on the cap of said bottle, and "Roseval Freres et Cie," together with the design of three stars, borne on the label attached to said bottle, regarding the article and the ingredients and substances contained therein, were false and misleading in that they indicated that the article was a product of foreign origin, to wit, a brandy produced in the Cognac district of France; and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was a product of foreign origin, to wit, a brandy produced in the Cognac district of France; and for the further reason that said statements and design purported that said article was a foreign product, to wit, cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an article of domestic origin, to wit, a product made in the United States of America.

On November 6, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*